# STATE OF CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE INITIAL STATEMENT OF REASONS FOR REGULATORY ACTION (Pre-Publication of Notice Statement)

Amend Section 360
Title 14, California Code of Regulations (CCR)
Re: Hunter Education Instructor Incentive Tags

I. Date of Initial Statement of Reasons: January 10, 2014

II. Dates and Locations of Scheduled Hearing:

(a) Public Hearing: Date: March 25, 2014

Time: 1:30 p.m. to 2:30 p.m.

Location: 12<sup>th</sup> floor Conference Room 1206

Resources Building 1416 9<sup>th</sup> Street,

Sacramento, CA 95814

- III. Description of Regulatory Action:
  - (a) Statement of Specific Purpose of Regulation Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary:
  - 1. The purpose of the proposed amendment is to add provisions which will allow the use of 10 X-Zone deer tags for use as incentives to qualified volunteer Hunter Education Instructors to join or remain in the program. The proposed regulations would implement existing statutes authorizing such use of tags.
  - 2. In 2010 the Legislature (AB 1254, Berryhill, 2010) amended Section 3051 of the Fish and Game Code (FGC) directing the Department to offer special hunting opportunities to qualified Hunter Education Instructors. The purpose of the additional hunting opportunities is to recruit and retain the volunteer instructors who make the hunter education program possible. The statute authorizes a maximum of 15 tags from the annual big-game tag quota for use by the Department. This amendment was made in recognition of the decreasing number of certified Hunter Education Instructors in California, and was intended to provide an incentive for both the recruitment of new instructors and keeping existing instructors current on their requirements to remain certified.
  - 3. The Department has determined that 10 X-Zone deer tags shall be distributed by random drawing as provided in Section 709, Title 14, CCR.

(b) Proposed Regulations.

A new subsection 360(e) is added providing for the distribution of 10 X-Zone deer tags by random drawing in accordance with Section 709.

(c) Authority and Reference:

Note: Authority: Sections 200, 202, 203, 220, 460, 3051, 3452, 3453, 3953 and 4334, Fish and Game Code.

Reference: Sections 200, 202, 203, 203.1, 207, 458, 459, 460, 3051, 3452, 3453, 3953 and 4334, Fish and Game Code.

(d) Specific Technology or Equipment Required by Regulatory Change:

None.

(e) Identification of Reports or Documents Supporting Regulation Change:

**Economic Impact Assessment** 

(f) Public Discussions of Proposed Regulations at the Time of the Notice of Intent to Publish:

No public meetings were scheduled prior to the notice publication. The 45-day comment period provides adequate time for public review of the proposed amendment to Section 360.

- IV. Description of Reasonable Alternatives to Regulatory Action:
  - (a) Alternatives to Proposed Regulation Changes:

No alternatives were identified. The purpose of the proposed addition of subsection 360(e) is to implement the provisions of Section 3051, FGC, which directs the Department to provide special hunting opportunities to Hunter Education Instructors via a random drawing.

(b) No Change Alternative:

The no change alternative would leave the Department with no mechanism to provide special hunting opportunities to Hunter Education Instructors as required by FGC Section 3051 via a random drawing.

(c) Consideration of Alternatives:

In view of information the Department currently possesses, no reasonable alternative considered would be more effective in carrying out the purposes for which the amendments are proposed, or would be as effective as and less burdensome to the affected private persons than the proposed amendments.

# V. Mitigation Measures Required by Regulatory Action:

The proposed regulatory action is an administrative adjustment of the distribution of a very small number (10) of existing annual deer tags and will have no negative impact on the environment; therefore, no mitigation measures are needed.

### VI. Impact of the Regulation Changes

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories below have been made:

(a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States.

The proposed action will not change the number of deer tags issued for the X-Zone and therefore will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

(b) Impact on the Creation or Elimination of Jobs within the State, the Creation of new Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The Department does not anticipate any impacts on the creation or elimination of jobs, the creation of new business, the elimination of existing businesses, or the expansion of businesses in California. The proposed regulation will not affect worker safety.

### Benefits to the Health and Welfare of California Residents:

The Department anticipates benefits to the health and welfare of California residents. Hunting provides opportunities for multi-generational family activities and promotes respect for California's environment by the future stewards of the State's resources. These benefits are maintained by improving the Department's capacity to recruit and retain volunteer Hunter Education Instructors who annually provide training to tens of thousands of California residents. Important aspects of the training include firearms safety, first aid, wildlife management and conservation among others. Maintaining a large

number of qualified Hunter Education Instructors is vital, and the provision of a very small number of deer tags for the purpose of recruiting and keeping volunteer instructors is both economical and beneficial to the state.

### Benefits to the State's Environment:

The Department anticipates benefits to the state's environment in the sustainable management of natural resources. It is the policy of this state to encourage the conservation and maintenance of the fish and wildlife resources of the state, for their use and enjoyment by the public. The new regulation will aid the Department's capacity to recruit and retain volunteer Hunter Education Instructors who annually provide training to tens of thousands of California residents regarding hunting ethics, wildlife management and conservation among others.

(c) Cost Impacts on Representative Private Persons or Businesses:

The Department is not aware of any cost impact that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

(d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State.

There are no related costs or savings in Federal Funding to the State.

- (e) Other Nondiscretionary Costs/Savings to Local Agencies. None
- (f) Programs Mandated on Local Agencies or School Districts. None
- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed under Part 7 (commencing with Section 17500) of Division 4.
- (h) Effect on Housing Costs. None.

None.

# INFORMATIVE DIGEST (Policy Statement Overview)

Amend Section 360, Title 14, CCR, by adding a new subsection 360(e) providing for Hunter Education Instructor Incentives.

The purpose of the proposed amendment is to add provisions to the regulations which will allow the use of 10 X-Zone deer tags by the Department for use as incentives to volunteer Hunter Education Instructors to join or remain in the program. This proposal would implement Section 3051 of the Fish and Game Code which directs the Department to use up to a maximum of 15 tags as incentives.

#### BENEFITS OF THE PROPOSED ACTION:

The Department anticipates nonmonetary benefits to the protection of public health and safety and to the environment. The Hunter Education Instructors work on a volunteer basis training tens of thousands of California residents each year. Important aspects of the training include firearms safety, first aid, wildlife management and conservation among others. Maintaining a large number of qualified Hunter Education Instructors is vital, and the provision of a very small number of deer tags for the purpose of recruiting and keeping volunteer instructors is both economical and beneficial to the state.

The Department does not anticipate nonmonetary benefits to the protection of worker safety, the prevention of discrimination, the promotion of fairness or social equity, or to the increase in openness and transparency in business and government

### COMPATIBLITY WITH EXISTING STATE REGULATIONS:

The Department has reviewed Title 14, CCR, and determined that the proposed amendments to Section 360 are neither inconsistent nor incompatible with existing state regulations.

## Regulatory Language

Section 360, Title 14, CCR, is amended to read:

# ... [No change to subsections 360 (a) through (d)]

(e) Hunter Education Instructor Incentive Tags.

Hunter Education Instructor Incentive Tags shall be annually allocated to the Hunter Education Program for distribution among Certified Hunter Education Instructors pursuant to Section 709.

- (1) X-Zone general season hunts
- (A) Area: An X-Zone general season tag shall be valid in the area described in subsection 360(b) that corresponds to the X-Zone indicated on the tag.
- (B) Season: An X-Zone tag is valid during the authorized season described in subsection 360(b) that corresponds to the X-Zone indicated on the tag.
- (C) Bag and Possession Limit: One buck, forked horn (see subsection 351(a)) or better, per tag.
- (D) Number of Tags: 10
- (E) Special Conditions: No more than one Hunter Education Instructor Incentive X-Zone general season tag shall be issued per X-Zone each season, and no X-Zone tag shall be allocated to the Hunter Education Program from an X-Zone where fewer than 100 tags are issued in that season.

Note: Authority: Sections 200, 202, 203, 220, 460, <u>3051</u>, 3452, 3453, 3953 and 4334, Fish and Game Code. Reference: Sections 200, 202, 203, 203.1, 207, 458, 459, 460, 3051, 3452, 3453, 3953 and 4334, Fish and Game Code.